

APPEAL NO. 010184

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 7, 2001. With respect to the issue before her, the hearing officer determined that the respondent (claimant) sustained an injury to her right wrist and neck in addition to her right shoulder on _____, and that her _____, compensable injury did not extend to or include her left wrist. In its appeal, the appellant (carrier) argues that the hearing officer's determination that the claimant injured her right wrist and neck at work on _____, is against the great weight of the evidence. The appeals file does not contain a response to the carrier's appeal from the claimant. In addition, the claimant did not appeal the determination that her compensable injury did not extend to or include her left wrist; thus, that determination has become final pursuant to Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant injured her right wrist and neck in addition to her right shoulder in the incident at work on _____. The hearing officer is the sole judge of the weight and credibility of the evidence, including the medical evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Generally, the existence of an injury can be established by the testimony of the claimant alone, if it is credited by the hearing officer. Texas Workers' Compensation Commission Appeal No. 92069, decided April 1, 1992. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Sufficient evidence supports the hearing officer's determination that the claimant injured her right wrist and neck in addition to her right shoulder at work on _____, when her arm became stuck in a safe as she was pulling out a bag of money. Nothing in our review of the record reveals that the challenged determination is so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge